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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09 462,613	01/10/2000	IVAN MAURICE ALFONS JAN HERBOTS	CM1550	5310

27752

7590

04/09/2002

THE PROCTER & GAMBLE COMPANY  
INTELLECTUAL PROPERTY DIVISION  
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CINCINNATI, OH 45224

EXAMINER

ELHILO, EISA B

ART UNIT

PAPER NUMBER

1751

DATE MAILED: 04/09/2002

12

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/462,613

Applicant(s)

HERBOTS ET AL.

Examiner

Eisa B Elhilo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will by statute cause the application to become ABANDONED. (35 U.S.C. § 133)
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 December 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 27-62 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 27-62 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### DETAILED ACTION

- 1 This action is responsive to the amendment filed on December 19, 2001.
- 2 The rejection of claims 32-33, 41 and 47 under 35 U.S.C. 112, second paragraph, is rendered moot in view of applicant's amendment.
- 3 Claim 58 stand rejected under 35 U.S.C. 112, second paragraph, for the reasons set forth in the previous office action in paper number 7, dated 03/19/2001.
- 4 Claims 1, 27-49 and 54-62 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Oxienboll et al. (US' 5,834,280) in view of Van Pee (WO' 96/06909), for the reasons set forth in the previous office action in paper number 9, dated 09/13/2001.
- 5 Claims 1, 27-55, 57 and 61 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Van Pee (WO' 96/06909) in view of Figueroa et al. (US' 5,500,153), for the reasons set forth in the previous office action in paper number 7, dated 03/19/2001.

### *Response to Applicant's Arguments*

- 6 Applicant's arguments filed on December 19, 2001 have been fully considered but they are not persuasive.

With respect to the rejection based upon Oxienboll in view of Van Pee, Applicant argues that there is no motivation to modify the primary reference of Oxienboll with the oxidoreductase of the present disclosure.

The examiner respectfully disagrees with the above arguments because Oxienboll teaches detergent composition comprising enzymes such as oxidoreductase (see col. 26, line 6) and Van Pee teaches a bleaching, washing and cleaning composition comprising oxidoreductase with an  $\alpha/\beta$ -hydrolase (see the abstract and page 2, lines 30+). Therefore, there is a reasonable

expectation of success for the motivation in combining the detergent composition of Oxenboll with the enzymatic bleaching or cleaning composition of Van Pee.

With respect to the rejection based upon Van Pee in view of Figueroa. Applicant argues that Van Pee fails to teach a cleaning composition comprising the enzymatic activity within the pH range of the claimed invention. Applicant also argues that there is no motivation in combining the detergent composition of Figueroa with the enzymatic active oxygen – releasing mixture of van Pee.

The examiner respectfully disagrees with the above arguments because Van Pee teaches a mixture that has a pH of 6.8 (see page 9, lines 16), which is about 7, and hence, the pH range is inside the optimal pH range of the claimed enzymes. Figueroa teaches detergent composition that comprises enzymes of any suitable origin such as bacteria and fungal or other types of enzymes may also be included (see col. 8, lines 58-67). Therefore, there is a reasonable expectation of success for the motivation in combining the enzymatic mixture of Van Pee with the detergent composition of Figueroa reference.

**7 THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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
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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eisa B Elhilo whose telephone number is (703) 305-0217. The examiner can normally be reached on M - F (7:30-5:00) with alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (703) 308-4708. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7718 for regular communications and (703) 746-7171 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

  
Eisa  
March 27, 2002

*Handwritten signature*  
EISA B ELHILO  
PHYSICIAN